



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (518) 776-2620

June 2, 2023

By ECF

Hon. Mae A. D'Agostino  
United States District Judge  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, New York 12207

Re: *New York State Rifle & Pistol Association, Inc. et al. v. Nigrelli, et al.*,  
1:22-cv-907 (N.D.N.Y.) (MAD/CFH)

Dear Judge D'Agostino:

As directed by the Court, *see* ECF No. 32, Defendant Steven A. Nigrelli, Acting Superintendent of the New York State Police, and Defendant Richard J. McNally, Justice of the New York Supreme Court, Third Judicial District, respectfully write to provide the Court with a status report regarding the above-referenced case.

As the Court is aware, Plaintiffs here raise constitutional challenges against certain provisions of the Concealed Carry Improvement Act (“CCIA”), some of which are at issue in *Antonyuk v. Nigrelli*, No. 22-2908 (2d Cir.), as well as other cases before the United States Court of Appeals for the Second Circuit. *Antonyuk* and its companion cases were argued on March 20, 2023, and are now fully submitted. No decision has been issued yet by the Second Circuit.

Additionally, on May 4, 2023, New York enacted omnibus budget legislation including alterations to certain provisions of Penal Law § 265.01-e(2), the law prohibiting firearms in sensitive locations. A copy of the enacted bill is attached as Exhibit A, with the relevant changes in Part F of the bill, beginning on Page 10.

Thank you kindly for your consideration of this matter.

Hon. Mae A. D'Agostino

June 2, 2023

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Respectfully submitted,

s/ *Michael McCartin*

Michael G. McCartin

Assistant Attorney General

Bar Roll No. 511158

[Michael.Mccartin@ag.ny.gov](mailto:Michael.Mccartin@ag.ny.gov)

cc: All counsel of record (via e-filing)